

1 **\*\*E-filed 10/26/10\*\***

2

3

4

5

6

7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 SAN FRANCISCO DIVISION

10 U.S. BANK NATIONAL ASSOCIATION,

No. C 10-2522 RS

11 Plaintiff,

**ORDER GRANTING MOTION TO  
REMAND**

12 v.

13

14 MARCELO G. BONDOC, et al.,

15 Defendants.

16 \_\_\_\_\_/

17 This action was initiated as an unlawful detainer in the limited jurisdiction division of the

18 Contra Costa Superior Court. Plaintiff seeks possession of real property it purchased at a

19 foreclosure sale. Appearing *in pro se*, defendants removed the matter to this Court, asserting that

20 plaintiff's claims arise under federal law by virtue of certain Congressional regulation of lending

21 and real estate transactions.

22 Plaintiff moves to remand, contending that the notice of removal notice fails to plead the

23 basis of removal properly and was untimely, and that there is no basis for federal jurisdiction in any

24 event. Defendants filed no opposition to the motion. Pursuant to Civil Local Rule 7-1(b), this

25 matter is suitable for disposition without oral argument.

26 The motion to remand is granted. It appears defendants may contend that the underlying

27 loan transaction and subsequent foreclosure violated one or more provisions of federal law, but at

28 most such matters would be potential defenses to plaintiff's claim. The complaint for possession

1 under state unlawful detainer statutes does not arise under federal law. Additionally, the notice of  
2 removal was filed approximately two months after the complaint was served and one month after  
3 defendants filed an answer, and was therefore untimely. Accordingly, there is no basis for  
4 jurisdiction in this forum. The action is hereby remanded to Contra Costa Superior Court. Plaintiff's  
5 request for attorney fees is denied.

6  
7 IT IS SO ORDERED.

8  
9 Dated:10/26/10



---

RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDR WAS MAILED TO:**

Marcelo G. Bondoc  
Kathleen Delos Reyes  
738 Monarch Court  
Richmond, CA 94806

DATED: 10/26/10

/s/ Chambers Staff  
Chambers of Judge Richard Seeborg